

**NEBRASKA BOARD OF PHARMACY**  
**MEETING MINUTES**  
**March 21, 2016**

**ROLL CALL**

Patricia Gollner, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 a.m. in the Lighthouse Room of the Country Inn & Suites, located at 5353 North 27<sup>th</sup> Street, Lincoln, Nebraska. The agenda was provided to Board members, posted on a public bulletin board in the Nebraska State Office Building, posted on the Department's website, and e-mailed to the "interested parties" list prior to the meeting. The following Board members answered roll call:

Patricia Gollner, R.P., Chair  
Kenneth Saunders, R.P., Vice-Chair  
Robert Marshall, R.P., Secretary  
Jennifer King, R.P.

A quorum was present and the meeting convened.

Also present were: Ami Huff, Assistant Attorney General; Mike Rueb, R.P., Pharmacy Inspector; Dean Willson, Jr., R.P., Pharmacy Inspector; Gary Cheloha, RP, Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Teresa Hampton, Department Legal; Peggy Persell, Program Manager – Investigations; Jeff Newman, Investigator; and Russell Fosler, Investigator.

Gollner announced that a copy of all public documents being reviewed at this meeting were available in the meeting room pursuant to the Open Meetings Act.

Gollner explained that Michael Losee has resigned as Public Member of the Board because he had moved out-of-state for a new position. The Board expressed appreciation for Mr. Losee's service to the Board and wished him luck in his new position. Marshall volunteered to write a letter from the Board to send to him.

**REVIEW OF AGENDA**

Adoption of Agenda

Marshall moved, seconded by King, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: none. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Jessica Hug – Pharmacy Technician application  
Healthwarehouse.com – Mail Service Pharmacy Application

Adoption of Consent Agenda

Marshall moved, seconded by Saunders, to approve the consent agenda as amended. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: none. Motion carried.

**INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION**

Saunders moved, seconded by King, to close the session at 9:06 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: none. Motion carried.

Hampton left the meeting at 9:48 a.m.

Marshall recused himself from the meeting at 9:14 a.m.  
Marshall rejoined the meeting at 9:16 a.m.

Hampton returned to the meeting at 10:10 a.m.

Marshall recused himself from the meeting at 10:13 a.m.  
Marshall rejoined the meeting at 10:28 a.m.

Ami Huff left the meeting at 11:14 a.m.

Marshall moved, seconded by Saunders, to open the session at 11:27 a.m. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: none. Motion carried.

## **APPROVAL OF MINUTES**

January 25, 2016

Page 1: Under COMMUNITY PHARMACY DEMOGRAPHICS REPORT 2015 – KIMBERLY A. GALT, PHARM.D (CREIGHTON UNIVERSITY) AND DANIELLE WING, MPH (DHHS), line 2, delete “about the” and add “in ambulatory care setting to provide”, delete the “0” and “)” so it reads “(MTM)”; line 3, add a period after the word “services” and delete the rest of the sentence; line 4, delete the word “produce” and add the word “provide”; line 6, add the word “of” after the word “results”; line 7, add a period after the word “survey” and delete the word “provided”; line 8, capitalize the word “Health”.

Page 2: Under INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION, change the word “left” to “recused himself from” where it mentions that Marshall left the meeting.

Page 3: Under E-Mail Ballots Since Last Meeting, insert the word “to” after the word “registration”; under HOSPITAL PHARMACY UPDATES, identify Diana Meyer as a DHHS Program Manager.

Page 4: Under 2016 LEGISLATION, under LB 680, LB 471 and LB 1060, change the word “suggested sending” to “decided to send”.

Page 5: No changes.

Marshall moved, seconded by Saunders, to approve the January 25, 2016 minutes as corrected. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: None. Motion carried.

## **BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION**

### **Pharmacy Technician Application(s) (2) - CONSENT**

Marshall moved, seconded by King, to recommend issuing a pharmacy technician registration to Jessica Hug. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: None. Motion carried.

### **Mail Service Pharmacy Application(s) 4)**

King moved seconded by Saunders, to recommend issuing a mail service pharmacy permit to Healthwarehouse.com. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: None. Motion carried.

### **Reinstatement After Discipline – Pharmacist Intern (1)**

King moved, seconded by Saunders, to postpone action on the reinstatement application of Dan Truong for additional information. Voting aye: Gollner, King, and Saunders. Voting nay: Marshall. Motion carried.

### **Reinstatement After Discipline – Pharmacist (1)**

King moved, seconded by Marshall, to recommend reinstating Richard Upton’s pharmacist license on probation. Probationary terms and conditions should mimic the Iowa Board of Pharmacy’s Combined Statement of Charges, Settlement Agreement and Final Order dated January 6, 2015. The basis for reinstating Mr. Upton’s pharmacist license on probation is that both his Nebraska and Iowa pharmacist licenses are under current discipline. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: None. Motion carried.

## **REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (1) – CONSENT**

### **APPROVAL OF ACCREDITATION COUNCIL OF PHARMACY EDUCATION (ACPE) ACCREDITED PHARMACY PROGRAMS (2016) - CONSENT** **REQUEST TO APPROVE THE NUCLEAR PHARMACY TECHNICIAN TRAINING FOR CERTIFICATION BY CARDINAL HEALTH**

Gene Nickman, RP presented information on Cardinal Health's Nuclear Pharmacy Technician training program to the Board, and requested approval of this program as proof of state certification required by LB 37. Hampton read the portion of LB 37 that applies and cautioned the Board that this program and the program offered by UNMC approved at the November 2015 meeting may not meet the statutory requirement. Joni Cover, Nebraska Pharmacists Association (NPA) explained that the intent of LB 37 was to give the Board authority to approve other pharmacy technician certification programs that would be similar to national certification. Saunders moved, seconded by Marshall, to approve the Cardinal Health's Nuclear Pharmacy Technician Training Program as an option for Pharmacy Technician Certification In order to inform any future employers, the certification should indicate the focus on the practice of nuclear pharmacy. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall requested staff to research what other states are requiring of pharmacy technicians to achieve certification.

### **DRUG QUALITY AND SECURITY ACT (DQSA) – LETTER REGARDING COMPOUNDED AND REPACKAGED MEDICATIONS FOR OFFICE-USE**

The Board reviewed documents regarding office-use compounding according to the DQSA. They are waiting for final guidance to be issued by the Food and Drug Administration (FDA).

## **NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES**

NABP Annual Meeting – May 14-17, 2016 in San Diego, CA

### Travel Grant Application

Staff explained that the Travel Grant Application was submitted and NABP has approved funds for Gollner to attend the Annual Meeting in San Diego, CA.

### Voting Delegate and Alternate Voting Delegate

Marshall moved, seconded by King, to nominate Gollner as Nebraska's voting member and Saunders as Nebraska's alternate voting member for the NABP Annual Meeting in San Diego, CA. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: None. Motion carried.

### 2016 District V Meeting Planning

Marshall explained that the hotel has been finalized, contribution requests have been mailed, working with the Sheldon Art Gallery for a catered dinner, and 5-7 programs have been identified. Some of the program ideas are Pain Control, THINK Nebraska, Update on Nebraska's Prescription Drug Monitoring Program, and Discussion on USP 800.

## **2016 LEGISLATION**

### LB 680 – Change requirements for pharmacy technicians

This bill was advanced to Enrollment and Review on March 18, 2016.

### LB 804 – Adopt the Investigational Drug Use Act

This bill was designated as the Speaker's priority bill on February 22, 2016.

LB 471 – Change provisions relating to prescription drug monitoring

This bill was approved by the Governor on February 24, 2016.

LB 901 – Change dental assistant and licensed dental hygienist provisions

This bill was designated as the Speaker's priority bill on February 22, 2016.

LB 979 – Provide for Selection of Interchangeable Biological products by Pharmacists

This bill was still in committee as of February 19, 2016.

LB 980 – Change Penalty Provisions for Certain Violations Relating to or Committed by Persons Experiencing or Witnessing a Drug Overdose

A notice of hearing for this bill was posted for February 10, 2016

LB1009 – Prohibit the sale and use of certain synthetic drugs under the Uniform Controlled Substances Act and the Uniform Deceptive Trade practices Act

The bill was placed on Final Reading on March 18, 2016.

LB 1060 – Adopt the Pharmacy Benefit Fairness and Transparency Act and provide duties for the Director of Insurance

There will be an interim study performed and the bill will be brought back for the 2017 Legislative Session.

LB 859 – Change cease and desist orders under the Uniform Credentialing Act

This bill was approved by the Governor on March 9, 2016.

LB 567 – Permit transfer of prescription information between pharmacies as prescribed

This bill was advanced to Enrollment and Review on March 18, 2016.

**STATUS UPATE ON 172 NAC 128 AND 175 NAC 8**

Lueke explained that both sets of regulations have been submitted to Department Legal for their review. June is the projected month for conducting a public hearing on these regulations.

Due to a prior commitment, Lueke left the meeting at 12:45 p.m.

Cover mentioned that with the passing of LB 867, additional information related to the Pharmacy Quality Assurance Report (PQAR) may need to be added to the draft revision of the regulations for pharmacy facilities.

**ADJOURNMENT**

King moved, seconded by Saunders, to adjourn the meeting at 12:47 p.m. Voting aye: Gollner, King, Marshall, and Saunders. Voting nay: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Kenneth Saunders, Vice-Chair  
Board of Pharmacy